REMARKS

With this Amendment, Applicant amends claims 24 and 30.[1] No new matter is added. Therefore, claims 15-45 are all the claims currently pending in the application. In view of the foregoing amendments and the following remarks, Applicant requests reconsideration of the application and allowance of the claims.

I.   Rejection of Claims 15, 29, 39, 40, 43 and 45 Under 35 U.S.C. § 103(a)

Claims 15, 29, 39, 40, 43 and 45 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Deluca et al. (International Publication No. WO 97/19429; hereinafter "Deluca") in view of Mochizuki (U.S. Patent No. 6,044,248; hereinafter "Mochizuki").

Claim 15 requires, a method for handling messages transmitted between communication terminals via a wireless network comprising, "generating a compound message including a text part *and at least one graphical icon part*, the compound message generation including reading a user inputted text part and converting the inputted text part into a predefined message text format, *adding a graphical part to the message*, the graphical part *including a record* for each of *the at least one graphical icon part* in a *graphical format*." The method further comprises, "adding position information in the message defining a position of the at least one graphical icon part in the text part; and *transmitting of the message* via the wireless network." Applicant respectfully submits that the combination of Deluca and Mochizuki are deficient and does not teach or suggest at least the above requirements of claim 15 for at least the following reasons.

In rejecting claim 15, the Examiner relies on "page 5, lines 13-14" of Deluca for the proposition that Deluca teaches the requirement for "generating a compound message including a text part and at least one graphical icon part, ... Examiner interprets the image generated by the text #07 to be an icon". (See pg. 2 of the Office Action) Applicant respectfully disagrees.

As previously pointed out in the Amendment dated October 6, 2005, in contrast to claim 15, Deluca merely discloses a system in which messages are composed and transmitted to a receiving device 100 in which a numerical code is utilized to identify an icon (prestored by the receiving

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[1] Applicant submits that the amendments made herein to the claims are exclusively for clarification purposes and not for narrowing the claims or for altering the scope. The amendments only show what was believed to have already been claimed therein. Thus, no equivalents are foreclosed by these non-narrowing amendments.

device), with the code being selected by the composer of the message at a transmitting device (See, e.g., terminal 305 of FIG. 11 of Deluca). Upon receipt, the receiving device uses the numerical code to identify and retrieve the graphical icon from a memory of the receiving device, thereby eliminating a need to transmit any information to the receiving device beyond the numerical code to cause the display of the encoded icon in association with a text message. Deluca does not teach or suggest that the transmitted message contains a graphical part, but rather discloses that the transmitted message contains only text (including the numerical code).

The cited portion (i.e., page 5, lines 13-14) of Deluca, at best, describes a message containing only text, "for example, <u>alphanumeric characters</u>." (emphasis added) To be precise, page 5, lines 13-14 of Deluca discusses that the "[r]eception of a display command for a message comprising the <u>characters</u> of "#07TOM?" or "TOM?#07" results in the subsequent presentation of the image associated with the code "#07" at the display 130. (emphasis added) This is because the receiver 100 recognizes the alphanumeric code "#07" in the message and retrieves corresponding image data, i.e., coffee mug (based on the code), which is previously stored in a graphics database of the receiver 100. (See page 2, lines 6-8 and FIG. 2 of Deluca).

In view of the foregoing, Deluca merely discloses that the graphical part corresponding to the transmitted numerical code is retrieved from a memory (i.e., graphics database) and displayed after the message is received at the receiving device 100. (See page 6, line 31 – page 7, line 3 of Deluca) Deluca discloses only messages that include either (1) a numerical code (See page 5, lines 3-12); (2) a numerical code and any desired additional text to be displayed at the receiving device (See page 5, lines 13-26); or (3) a numerical code and any desired additional numerals to be displayed at the receiving device (See page 5, line 27 – page 6, line 9). Deluca discloses that the numerical code uses, for example, "<u>predetermined characters</u> commonly found on conventional telephone receivers." (See page 3, lines 30-31 of Deluca) (emphasis added) Such characters would typically include the numerals "0-9" and the symbols "#" and "*." A person skilled in the art to which Deluca and the present application pertain would clearly understand that "text" generally includes letters, numerals, and symbols (e.g., "#" and "*"). As such, a person skilled in the art would consider the messages taught by Deluca to include only text. As previously pointed out in the Amendment dated October 6, 2005, the Examiner states in the Final Office Action that "#07" (an example numerical code from

Deluca) is text. In view of the foregoing, the messages taught by Deluca include only text and do not include a graphical part, and the recitation in claim 15 that the message transmitted via the wireless network contains both a text part and a graphical part is not taught or suggested by Deluca. As such, the combination of Deluca and Mochizuki are deficient and does not teach or suggest all of the features of claim 15.

As correctly conceded by the Examiner, Deluca does not teach or suggest the requirement for adding a graphical part to the message, the graphical part including a record for each of the at least one graphical icon part in a graphical format, and adding position information in the message defining a position of the at least one graphical icon part in the text part, as required by claim 15. However, the Examiner relies on Mochizuki to make up for the deficient teachings of Deluca. (See page 3 of the Office Action) Applicant respectfully disagrees and submits that there is no suggestion or motivation to combine Deluca and Mochizuki. However, even in combination, the grounds of rejection are traversed for the following reasons.

As pointed out above, Deluca does not teach or suggest at least generating a compound message including a text part and at least one graphical icon part. Mochizuki does not make up for the deficient teachings of Deluca. Similar to Deluca, Mochizuki discloses a call receiver capable of receiving a transmitted message that includes a "graphic image code." The graphic image code is a numeric code corresponding to a predefined illustration residing in the receiving device. To be precise, Mochizuki, at best discloses a receiver, which includes a code memory storing graphic image units and graphic image unit codes. Mochizuki discusses that code information is extracted from a message. The code information includes a graphic image unit code and a character data code. "Based on the code information, a graphic image unit corresponding to the graphic image unit code and a piece of character data ... are read from the code memory" (i.e., graphic image code memory 108; See FIGS. 4A and 4B of Mochizuki) "and then the message with the graphic image unit and the piece of character data is displayed on [a] display. (See Abstract of Mochizuki; See Col. 2, lines 1-10 of Mochizuki) (emphasis added).

As can be seen in FIGS. 4A and 4B of Mochizuki the graphic image codes disclosed therein are alphanumeric codes. Nowhere in Mochizuki is there any teaching or suggestion that the graphic image codes are graphic images or graphic image parts. To be precise, column 6,

lines 57-67 of Mochizuki describes that the control processor 104 asks the user whether to input a desired graphic image code in the transmission message. (See e.g., FIG. 6A in which the user inputs the alphanumeric graphic image code "02" in the transmission code) Such user's operation causes the control processor to store the selected graphic image code (GIC) (e.g., "01," "02," "03," "04," "05," "06," "07," and "08"; See FIGS. 4A and 4B) in the transmission message. In light of this disclosure, Mochizuki fails to teach or suggest that the transmission message disclosed therein generates a compound message *including* a text part *and at least one graphical icon part*. Therefore, Mochizuki also fails to teach and is incapable of suggesting adding a graphical part *to the message*, the graphical part including a record for each of the at least one graphical icon part *in a graphical format*, and adding position information in the message defining a position of the at least one graphical icon part *in the text part*, as required by claim 15.

In view of the foregoing, the combination of Deluca and Mochizuki fails to teach all of the features of claim 15 and cannot be said to render claim 15 obvious within the meaning of 35 U.S.C. § 103(a). Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of independent claim 15 and its dependent claim 40.

Since claims 29 and 39 contain features that are analogous to, though not necessarily coextensive with claim 15, Applicant respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of claims 29 and 39 and their respective dependent claims 43 and 45 for reasons analogous to those submitted for independent claim 15.

II.   **Rejection of Claims 16, 19-25, 30, 33-38, 41, 42 and 44 Under 35 U.S.C. § 103(a)**

Claims 16, 19-25, 30, 33, 38, 41, 42 and 44 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Sugio et al. (U.S. Patent No. 6,032,025; hereinafter; "Sugio") in view of Mochizuki.

Claim 16 requires, a communication terminal for handling messages comprising, *inter alia*, a user interface through which the user operates the terminal, the user interface including a display message editor application allowing the user to generate a compound message *including a text part and* at least one *graphical icon part*; and wherein the controller generates the

compound message for being transmitted via the transceiver *including a text part* in a predefined message text character format, *a graphical part including* a record for each of the at least one *graphical icon part* in a *graphical format*, and information in the message defining a position of the *at least one graphical icon part in the text part*. In rejecting claim 16, the Examiner alleges that the combination of Sugio and Mochizuki teaches all of the features of claim 16. Applicant respectfully disagrees for at least the following reasons.

As previously pointed out in the Amendment dated October 6, 2005, in contrast to claim 16, Sugio discloses the display of a message, including a portrait image, on a receiving device (e.g., pager 4). Similar to Deluca and Mochizuki, the portrait image that is ultimately displayed on the receiving device of Sugio is not contained in the message that is transmitted to the receiving device. Instead, the transmitted message contains an alphanumeric "image designating code," (e.g., "portrait codes" "21" to "36" (See FIG. 4 of Sugio)) which is analogous to the numerical code of Deluca and Mochizuki. This image designating code of Sugio causes the pager 4 to retrieve from memory (e.g. portrait table stored in ROM 19) and display a portrait image corresponding to the transmitted and received image designating code. (See Abstract; Col. 2, lines 30-56 of Sugio; Col. 6, lines 27-34 of Sugio). Sugio, at best, discloses that the message may include "characters, numerals, and symbols." (See Col. 2, lines 32-33 of Sugio). For example, a message may contain the numerals and symbols "*5*528," which causes a predefined portrait (i.e., portrait 28) to be displayed on the pager 4 (See Col. 9, lines 24-34; FIG. 8 of Sugio). Additionally, FIGS. 36A-36E (among others) and the corresponding description, indicate that only the image designating code (illustrated in the transmission code display section 243 and containing only numerals and symbols), and not the actual image itself, is transmitted. (See Col. 24, lines 39-42; FIGS. 36A-36E of Sugio). Based on the foregoing, Sugio simply does not teach or suggest that the message disclosed therein includes a graphical part. As such, the combination of Sugio and Mochizuki fails to teach or suggest a display message editor application allowing the user to generate a compound message including a text part and at least one graphical icon part, as required by claim 16. Given that Sugio does not teach or suggest a message containing a graphical icon part, but rather teaches that the message contains an image designating code, Sugio also fails to teach or suggest a "controller generates the compound

message for being transmitted … including a text part … a graphical part including a record for each of the at least one graphical icon part in a graphical format," as required by claim 16.

As correctly conceded by the Examiner, Sugio fails to teach or suggest the requirement for "information in the message defining a position of the at least one graphical icon part in the text part," as recited by claim 16. However, the Examiner relies on Mochizuki to make up for the deficient teachings of Mochizuki. Applicant respectfully disagrees and submits that there is no suggestion or motivation to combine Sugio and Mochizuki. However, even in combination, the grounds of rejection are traversed for at least the following reasons.

As pointed out above, Sugio does not teach or suggest at least "a display message editor application allowing the user to generate a compound message *including a text part and at least one graphical icon part*; and the controller generates the compound message for being transmitted … *including a text part …, a graphical part* including a record for each of the at least one *graphical icon part in a graphical format*," as required by claim 16. Mochizuki does not make up for the deficient teachings of Sugio.

Similar to Sugio, Mochizuki discloses a call receiver capable of receiving a transmitted message that includes a "graphic image code." As discussed above with respect to independent claim 15, the graphic image code of Mochizuki is a numeric code (e.g., "01," "02," "03," "04," "05," "06," "07," "08," and "09") corresponding to a predefined illustration residing in a graphic image code memory 108 of the call receiver. (See FIGS. 1, 4A & 4B of Mochizuki) Mochizuki, at best discloses a receiver, which includes a code memory storing graphic image units and graphic image unit codes. Mochizuki discusses that code information is extracted from a message. The code information "includes a <u>graphic image unit code</u> and a character data code which are included in the message." "Based on the code information, a graphic image unit corresponding to the graphic image unit code and a piece of character data … are <u>read</u> from the code memory" (i.e., graphic image code memory 108; See FIGS. 4A and 4B of Mochizuki) "and <u>then</u> the message with the graphic image unit and the piece of character data is displayed on [a] display. (Abstract of Mochizuki; Col. 2, lines 1-10 of Mochizuki) (emphasis added) In view of the foregoing, Mochizuki, at best, discloses that the graphic image codes disclosed therein are alphanumeric codes. Nowhere in Mochizuki is there any teaching or suggestion that the graphic

image codes are graphic images or graphical parts. Rather, the graphic image unit codes are merely alphanumeric codes included in the message which correspond to images prestored in a memory (e.g., graphic image code memory 108). As such, Mochizuki fails to teach or suggest at least "the user interface including a display message editor application allowing the user to generate a compound message including a text part *and at least one graphical icon part*," as required by claim 16. In contrast to claim 16, Mochizuki discusses that the transmission message disclosed therein does not include the actual graphic image, but merely includes a corresponding graphic image code. The graphic image is subsequently extracted from a memory of a receiving device so that the graphic image can then be displayed. Therefore, Mochizuki also fails to teach and is incapable of suggesting "the controller generates the compound message *for being transmitted* ... including a text part ..., *a graphical part including* a record for each of the at least one *graphical icon part* in a *graphical format*, as required by claim 16. Given that the transmission message of Mochizuki does not include a graphical part, Mochizuki also fails to teach "information in the message defining a position of the at least one graphical icon part in the text part," as required by claim 16.

In rejecting claim 16, the Examiner relies on column 6, lines 60 to column 7, line 10 and FIG. 5 of Sugio for the proposition that Sugio teaches a graphical part including a record for each of the at least one graphical icon part in a graphical format. Contrary to the Examiner's assertion neither Sugio nor Mochizuki, alone or in combination, teach or suggest that the transmitted message contains or defines a graphical format. As discussed above, a person skilled in the art would understand that the alphanumeric portrait codes of Sugio and the alphanumeric graphic image unit codes of Mochizuki are not graphical parts in a graphical format contained in messages. Instead, the alphanumeric portrait codes of Sugio and the alphanumeric graphic image unit codes of Mochizuki only include text.

As previously pointed out in the Amendment dated October 5, 2006, a graphical format, as would be understood by one skilled in the art, defines how graphic objects are created and stored. For example, many different graphical formats exist, but most formats are considered either a vector graphic format or a raster graphic format (See Appendix: *About File Formats*, Montana State University Publications and Graphics, August 2001, which is attached for the Examiner's

convenience). A vector graphic format defines graphic objects using coordinate geometry, while a raster graphic format defines graphic objects using pixels. (See id.)[2] The Examiner's interpretation of a graphical format is neither consistent with the specification of Sugio, nor consistent with the understanding of one skilled in the art, and as such is an unreasonable interpretation. Both because the messages disclosed by Sugio and Mochizuki do not contain a graphical part and because neither Sugio nor Mochizuki teach or suggest a graphical format, the recitation of claim 16 that the graphical icon part includes a record for each of the at least one graphical icon part in a graphical format is not taught or suggested by the combination of Sugio and Mochizuki.

Based on the foregoing, the combination of Sugio and Mochizuki fails to teach all of the features of claim 16 and cannot be said to render claim 16 obvious within the meaning of 35 U.S.C. § 103(a). Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of independent claim 16 and its dependent claims 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, and 41.

Since claims 25 and 30 contain features that are analogous to, though not necessarily coextensive with claim 16, Applicant respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of claims 25 and 30 and their respective dependent claims 42 and 31, 32, 33, 34, 35, 36, 37, 38 and 44 for reasons analogous to those submitted for independent claim 16.

III. Rejection of Claims 17, 18, 26, 27, 28, 31 and 32 Under 35 U.S.C. § 103(a)

Claims 17, 18, 26, 27, 28, 31 and 32 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Sugio in view of Mochizuki further in view of Medina (U.S. Patent No.; hereinafter "Medina" 6,047,828). Applicant respectfully disagrees for at least the following reasons.

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[2] Applicant notes that the Examiner failed to respond to this argument in the current Office Action. Instead, the Examiner essentially repeats verbatim, the original arguments presented in the Office Action dated April 6, 2005. Applicant notes that MPEP 707.07(f) requires that "[w]here the [A]pplicant traverses any rejection, the Examiner should if <u>he or she repeats the rejection</u>, take note of the [A]pplicant's argument and <u>answer the substance of it</u>." (emphasis added)

As discussed above, Sugio and Mochizuki are deficient vis-à-vis independent claims 16 and 30. Medina does not make up for the deficiencies of Sugio and Mochizuki. Accordingly, claims 17, 18, 26, 27, 28, 31 and 32 are patentable at least by virtue of their respective dependencies from independent claims 16 and 30. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 17, 18, 26, 27, 28, 31 and 32.

IV. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Ke is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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